
**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

DENA SIMS,

Plaintiff,

v.

**WEST VALLEY ELEMENTARY
SCHOOL, et al.,**

Defendants.

**ORDER AFFIRMING & ADOPTING
REPORT & RECOMMENDATION**

Case No. 2:23-CV-731-DAK-DBP

Judge Dale A. Kimball

Magistrate Judge Dustin B. Pead

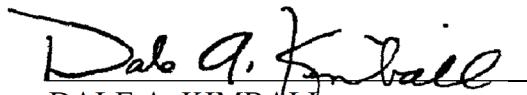
This case was assigned to United States District Court Judge Dale A. Kimball, who then referred the case to United States Magistrate Judge Dustin B. Pead under 28 U.S.C. § 636(b)(1)(B). On June 26, 2024, Magistrate Judge Pead issued a Report and Recommendation [ECF No. 30], recommending that the court dismiss Plaintiff's action pursuant to 28 U.S.C. § 1915(e)(2)(B). The Report and Recommendation notified Plaintiff that any objection to the Report and Recommendation must be filed within fourteen days of receiving it. As of the date of this Order, Plaintiff has not filed an Objection to the Report and Recommendation, and the time for doing so has passed.

A Magistrate Judge's Report and Recommendation is subject to *de novo* review by this court. *See* 28 U.S.C. § 636(b)(1)(B); *see also* Fed. R. Civ. P. 72(b). The court has reviewed the Report and Recommendation and the record *de novo* and agrees with Magistrate Judge Pead's analysis and recommendations in their entirety. The court previously granted Defendant West Valley Elementary School's Motion to Dismiss and allowed Plaintiff twenty days to file an

amended complaint. In response, Plaintiff filed a response that does not meet the pleading requirements in Rule 8 of the Federal Rules of Civil Procedure and fails to address the deficiencies of the initial complaint. Plaintiff has not adequately alleged religious discrimination or retaliation under Title VII or a claim under the Family and Medical Leave Act. In addition, given Plaintiff's failure to allege plausible federal claims, the court should not exercise jurisdiction over any state law claims. Therefore, the court adopts and affirms Magistrate Judge Pead's Report and Recommendation in its entirety as the Order of the court. Accordingly, the court dismisses this action without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim.

DATED this 16th day of July 2024.

BY THE COURT:



DALE A. KIMBALL
United States District Judge